

12-26-06

DRC / IFW

**PATENT**

Attorney Docket No.: 34544/US/2

Attorney File No.: 459258-00048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

GALLOP *et al.*

Serial No.: 10/766,990

Filed: January 28, 2004

For: *AMINO ACIDS DERIVED  
PRODRUGS OF PROPOFOL,  
COMPOSITIONS AND USES  
THEREEOF*

Examiner: LAMBKIN, Deborah C.

Art Unit: 1626

Confirmation No. 5022

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Dated: 12.22.06

Signed: Ann-Ellice Parker  
Ann-Ellice Parker

**REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705(b)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants/Petitioners have reviewed the Determination of Patent Term Adjustment under U. S. C. 154(b), and hereby request reconsideration based on the following:

As required by 37 C.F.R. § 1.705(b), Applicants provide the following:

(2)(i) The correct patent term adjustment is 430 days due to examination delay.

(2)(ii) The Patent Office correctly calculated 430 days due to Patent Office delay. However, the Patent Office erroneously deducted five (5) days based on response to non-final Office Action mailed on August 31, 2006, as evidenced by the Certificate of Mailing on the response. A copy of the response is attached herewith as Exhibit A. The Certificate of Mailing dated August 31, 2006 is clearly marked on the response. The Patent Office erroneously listed the September 6, 2006, the date of receipt of the response, as the date of the response was submitted. The Patent Office thus incorrectly attributed 5 days to delay by Applicant.

(iii) This patent is not subject to terminal disclaimer.

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U.S. Serial No.:10/766,990  
Filing Date: January 28, 2004

(iv) There are no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination set forth in 37 C. F. R. § 1.704. As stated above, the patent office erroneously assigned a date of September 6, 2006 to a paper submitted August 31, 2006.


Applicant submits this request with the issue fee, making this a timely request.

Applicants/Petitioners enclose the \$200.00 fee due for reconsideration of patent term adjustment under 37 C. F. R. § 1.18 (e); additionally, the Commissioner is authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Our File- 459258-00048; Our Docket No.: 34544/US/2).

Respectfully submitted,  
DORSEY & WHITNEY LLP

Dated: December 22, 2006

By:

  
Timothy A. Worrall Reg. No.: 54, 552

**Customer Number: 32940**

Dorsey & Whitney LLP

555 California Street, Suite 1000

San Francisco, CA 94104-1513

Telephone: (415) 781-1989

Facsimile: (415) 398-3249